

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Steven Wolin,

Plaintiff,

vs.

John Hancock Life Insurance Company,

Defendant,

vs.

Christine F. Paone, individually, and as
Administrator of the Estate of Colleen
F. Wolin,

Civil Action No. 2:11-3304-DCN-BHH

**ORDER AND
REPORT AND RECOMMENDATION**

This matter is before the Court on the motion of the defendant, John Hancock Life Insurance Company, to deposit funds, for discharge, and other ancillary relief. [Docs. 53.] All parties consent to it. [Doc. 53, 63.]

Wherefore, it is ORDERED that the defendant's motion [Doc. 53] is GRANTED and that the policy benefits at issue in this case be deposited with the clerk of court, including interest from the date of the Decedent Colleen F. Wolin's death through the date of deposit with the Court.

Additionally, it is RECOMMENDED, based upon the consent of all of the parties, that

- (a) John Hancock Life Insurance Company be discharged of any further liability for the policy benefits at issue in this case and as a consequence of the death of the Decedent Colleen F. Wolin;
- (b) the plaintiff, Steve Wolin; the interpleader defendant, Christine F. Paone, in whatever capacity; and the estate of the Decedent Colleen F. Wolin be permanently enjoined and restrained from instituting any action or proceeding in any State or United States

court against John Hancock Life Insurance Company for the recovery of the policy benefits payable as a consequence of the death of Colleen F. Wolin; and

- (c) the claims against John Hancock Life Insurance Company in this matter be DISMISSED *with prejudice*.

IT IS SO ORDERED AND RECOMMENDED.

s/Bruce H. Hendricks
United States Magistrate Judge

August 9, 2012
Charleston, South Carolina

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
Post Office Box 835
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).